

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

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|---|---|------------------------------|
| IN RE: YASMIN AND YAZ |) | |
| (DROSPIRENONE) MARKETING, SALES |) | 3:09-md-02100-DRH-PMF |
| PRACTICES AND PRODUCTS LIABILITY |) | |
| LITIGATION |) | MDL No. 2100 |

This Document Relates to:

Courtney Boggus v. No. 3:11-cv-12149-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Kelly Engle v. Bayer Corp., et al. No. 3:11-cv-11024-DRH-PMF

Melanie Gardner-Boyd v. No. 3:10-cv-13581-DRH-PMF
Bayer Corp., et al.

Jewel Goodyear v. Bayer Corp., et al. No. 3:11-cv-11457-DRH-PMF

Stacy L. Gordon, et al. v. No. 3:11-cv-11835-DRH-PMF
Bayer Corp., et al.

Julie Kinsolving v. Bayer No. 3:11-cv-11550-DRH-PMF
HealthCare Pharmaceuticals, Inc., et al.

Jessica Pinales and Jesus Pinales v. No. 3:11-cv-11734-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Lashey Richardson v. No. 3:11-cv-10384-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

Holly Sanchez v. No. 3:11-cv-11124-DRH-PMF
Bayer HealthCare Pharmaceuticals, Inc., et al.

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO

12”), for an order dismissing the plaintiffs’ claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet (“PFS”) obligations.

On January 31, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations. The Court granted the motion on March 1, 2012.

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, “pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants’ motion.**”

On April 1, 2013, more than a year after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the without prejudice dismissals to dismissals with prejudice pursuant to Section E of CMO 12,


To date, none of the above captioned plaintiffs have taken any steps to cure their PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

Further, the Court **DIRECTS** the Clerk of the **Court to enter judgment reflecting the same.**

SO ORDERED:

 David R. Herndon
2013.06.24
13:06:11 -05'00'

Chief Judge
United States District Court

Date: June 24, 2013